to the welfare of the pupils, and defendant was merely the instrument of its enforcement and not liable. The principal case is one of the most extreme to which this doctrine has been applied, but it seems to fall squarely within the rule of the cases and the injury to the plaintiff was damnum absque injuria.

COMMERCE,—INSURANCE,—STATE TAXATION.. Under a Montana statute every insurance company transacting business in the state was taxed upon the excess of premiums received over losses and ordinary expenses within the state. The tax under this statute was contested by a foreign life insurance company. *Held,* insurance is not commerce, interstate or intrastate, and may be taxed by the states although all the contracts are made at the home office, and great and frequent use is made of the mails in the transaction of the business. *New York Life Insurance Company* v. *Deer Lodge County,* 34 Sup. Ct. 167.

The decision in the principal case states no new doctrine, but confirms in the most positive way a line of decisions which has been the object of constant attack. The original case, *Paul* v. *Virginia,* 8 Wall. 168, 19 L. Ed. 357, involved the business of fire insurance. It was held that a policy of insurance was not an article of commerce but a mere personal contract incidental to business between the states and that a tax on an agent representing an insurance company domiciled in another state was not a burden on interstate commerce. The same is true of bills of exchange, *Nathan* v. *Louisiana,* 8 How. 73, 12 L. Ed. 992. See also *Fire Insurance Association of Phila.* v. *New York,* 119 U. S. 110, 30 L. Ed. 342. The rule was applied to marine insurance in *Hooper* v. *California,* 155 U. S. 648, 39 L. Ed. 297, 15 Sup. Ct. 207. In this case the court refused to make any distinction between the various kinds of insurance. Nevertheless the application of the doctrine to mutual life insurance was resisted, and in *New York Life Insurance Co.* v. *Cravens,* 178 U. S. 389, 44 L. Ed. 1116, 20 Sup Ct. 962, it was definitely applied to that branch of the business. The principal case reviews all of the previous decisions of the court and puts its decision squarely on the rule of "state decisis". The question must be considered as settled for the present at least.

COMMERCE UPON THE HIGH SEAS—IS IT FOREIGN COMMERCE PER SE?—The plaintiff, a steamship company, questioned the right of the state to regulate its rates, because of the fact that a part of its route was upon the high seas. The termini were in the state, and there were no stops made except those within the state. *Held,* that such commerce was not embraced by the commerce clause of the federal constitution, and was subject to direct regulation of the state. *Wilmington Trans. Co.* v. *Rd. Comm.,* (Cal. 1913), 137 Pac. 1153.

The decision is in direct conflict with *Lord* v. *S. S. Co.,* 102 U. S. 541 and *Pac. Coast S. S. Co.* v. *Rd. Comm.,* 18 Fed. 10. In departing from the rule of these cases, the court in the instant case relies on dictum in *Lehigh Valley Rd.* v. *Pa.,* 145 U. S .192, 12 Sup. Ct. 806, 36 L. Ed. 672. But, as is pointed out in *Hanley* v. *Kas. Cy. Ry. Co.,* 187 U. S. 617, 23 Sup. Ct. 214,

47 L. Ed. 333, the *Lehigh Valley* case merely states that it was unnecessary in *Lord* v. *S. S. Co.*, supra, to base the decision on the commerce clause, and comments upon this last case with approval. The court in the instant case has evidently mistaken the state of the federal authorities on the question. Recognizing the rule that transportation from one point in a state to another point in the same state comes within the purview of the commerce clause, *Hanley* v. *Kas. Cy. Ry.. Co.*, supra, the court in the principal case attempts to distinguish between the high seas and the territory of another state or nation. This distinction seems technical and unsound, and it is submitted that the position taken by the federal courts is the better. Navigation of the high seas is permitted citizens of this nation because of the fact that they are citizens of the nation as a nation, and because that nation has equal rights upon the high seas with the other powers. The federal government alone is responsible to the other powers for the conduct of its citizens, and its authority directly to regulate should be plenary.

CONSTITUTIONAL LAW—EIGHT HOUR LAW—MUNICIPAL CORPORATION.—OREGON LAWS 1913, p. 90, provide that eight hours shall constitute a day's labor in all cases where the state, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly by contract with another. The constitutionality of this act was questioned upon an application for a writ of habeas corpus by one arrested for a violation of the act. *Held*, that the act was constitutional. *Ex parte Steiner*, (Ore. 1913), 137 Pac. 204.

There is a sharp conflict of authority as to the validity of statutes similar to the one upheld in the principal case. DILLON, MUN. CORPS. §118. The distinction is often made between direct and immediate employees of a city and those employed by a contractor on public works; *Ryan* v. *City of N. Y.*, 177 N. Y. 271, in which PARKER Ch.J. distinguishes *Rodger's Case*, 166 N. Y. 1; and in the same case O'BRIEN J. in a dissenting opinion attempts to distinguish between officers of a city and employees of a city, considering the latter as agents of the city. And so in *People Ex rel Cossey* v. *Grout*, 179 N. Y. 417, 72 N. E. 464; *Ex parte Kuback*, 85 Cal. 274, 24 Pac. 737, 20 Am. St. Rep. 226, 9 L. R. A. 482; *Cleveland* v. *Clement Bros. Constr. Co.*, 67 Oh. St. 197, 65 N. E. 885, 93 Am. St. Rep. 670, 59 L. R. A. 775. Statutes regulating hours of labor of those employed by contractors upon municipal work were held invalid upon the theory that they constituted an interference with the constitutional right of persons to contract with reference to their services, where such services are neither unlawful nor against public policy. In *People* v. *Matz*, 193 N. Y. 149, 85 N. E. 1070, 24 L. R. A. (N. S.) 20, it was held that the amendment of 1905 to the Constitution of New York gave the legislature the power to legislate as to those employed by contractors on public works. But in *U. S.* v. *Martin*, 94 U. S. 400, 24 L. Ed. 128; *Ellis* v. *U. S.*, 206 U. S. 246, 51 L. Ed. 1047, 27 Sup. Ct. 600; *State* v. *Atkin*, 191 U. S. 207, 48 L. Ed. 148, 24 Sup. Ct. 124; *In re Broad*, 36 Wash. 449, 78 Pac. 1004, 70 L. R. A. 1011; *State* v. *Livingston Concrete Bldg. & Mfg. Co.*, (Mont.) 87 Pac. 980, it was held that the legislature could impose